Remarks

In view of page 2 of the Detailed Action, it is assumed that the PTO-326 is wrong and Claims 10-22 are withdrawn from consideration and Claims 1-9 are rejected. In view of the restriction requirement having been made final, Claims 10-22 are canceled herewith without prejudice to pursuing these in a divisional patent application.

Claims 1-9 remain in the case. Claims 1 and 2 are the independent claims. Claims 1 and 2 have both been amended herewith to recite that the treatment with apyrase, alkaline phosphatase and adenosine deaminase is without 5'-nucleotidase; basis for this is found in the application as filed at page 14, lines 4-11. Claim 3 has been amended herewith to correct a misspelling; basis is found in the application filed at page 16, line 14.

We turn now to the rejections.

Claims 1, 2, 4, 7 and 8 are rejected under 35 U.S.C. 102(b) as being anticipated by Lurie et al U.S. Patent No. 5,618,665. Reconsideration is requested.

According to Lurie, the cleaning reactions involve use of four enzymes, namely apyrase, 5'-nucleotidase, adenosine deaminase, and alkaline phosphatase. The cleaning reaction involves incubation for 1 hour and deactivation of 30 minutes (total time of 1½ hours). See Lurie at column 22, lines 36-59. The inventor of the instant application is one of the named inventors of the Lurie et al patent. He indicates that in the assay of 5,618,665, the use of 5'-nucleotidase was considered integral.

On the other hand, as indicated in the instant application at page 14, lines 4-11, the cleaning reaction of the instant application is an improvement over the assay of WO 94/17198, which corresponds to U.S. 5,618,665 in that the omission of use of 5'-nucleotidase allows

shortening of the cleaning reaction period, e.g., from 1 hour to 10 minutes (see pages 41 to 44 of the instant application as filed) to obtain the same objective, namely substantial disappearance of ATP.

The recitation in Claims 1 and 2 of "without 5'-nucleotidase" overcomes the anticipation rejection.

Claims 1, 2 and 4-6 are rejected under 35 U.S.C. 102(b) as being anticipated by Sawada et al (AS1). Reconsideration is requested.

The inventor of the present invention is one of the authors of Sawada et al. In the method of Sawada et al, 5'-nucleotidase is integral. See Fig. 1 at page 91 and Part B at page 92.

Therefore, the recitation in Claims 1 and 2 of "without 5'-nucleotidase" overcomes the rejection.

Claims 1-4 and 7-9 are rejected under 35 U.S.C. 103(a) as being obvious over Lurie et al U.S. 5,618,665. Reconsideration is requested. Lurie does not teach deletion of 5'-nucleotidase from the cleaning reaction system or suggest that a benefit is derived therefrom.

Claims 5 and 6 are rejected under 35 U.S.C. 103(a) as being obvious over Lurie as applied above further in view of Sawada et al and Omburo et al, Archives of Biochemistry and Biophysics 323 (1), pp 1-5, 1995. Reconsideration is requested. Lurie et al and Sawada et al are discussed above. Omburo et al shows only inhibition of cGMP. Inhibitors of cGMP inhibited phosphodiesterase by chelators such as EDTA and does not describe or suggest the deletion of 5'-nucleotidase from a cleaning reaction system or any benefit that might be obtained thereby. The combination of the three applied documents does not teach deletion of 5'-nucleotidase from a

cleaning reaction system or that a benefit is obtainable thereby. Therefore, the applied combination is defective to make Claims 5 and 6 obvious.

Allowance is requested.

Respectfully submitted,

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